

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 29620 PERMIT 20548 LICENSE

ORDER CORRECTING A BYPASS TERM

WHEREAS:

1. Permit 20548 was issued to William T. Oye and Dolores E. Oye on August 15, 1991 pursuant to Application 29620.
2. Subsequent to the issuance of the permit, State Board staff discovered that the bypass term 17, was incorrect.
3. The permittee was informed of the bypass error by telephone on November 19, 1991. The permittee did not object to the correction of term 17.
4. The State Water Resources Control Board has determined that said correction of permit term 17 will not initiate a new right nor operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said correction.

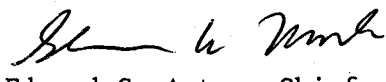
NOW, THEREFORE, IT IS ORDERED THAT:

1. Term 17 of permit 20548 be corrected as follows:

The order to protect the vested water rights of Richard and Joy King under small domestic use registration certificate No. R28 (Application 29585R), and all successors in interest; and the senior right of Arnold B. and Eugenia I. Boshion under any permit issued pursuant to Application 29611, and all successors in interest; and for the protection of fish and wildlife, permittee shall during the period: From September 1 through June 14 bypass a minimum of 70 gallons per minute. The total streamflow shall be bypassed whenever it is less than designated amount.

(0140400)
(0160400)

Dated: **JANUARY 09 1992**


for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20548

Application 29620 of William T. Oye and Dolores E. Oye

7722 Hidden Creek Lane, Shingletown, CA 96088

filed on November 17, 1989, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

<u>(1 & 2) Unnamed Stream</u>	<u>Sheridan Creek thence</u>
	<u>Bear Creek thence</u>
	<u>Sacramento River</u>

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
DIRECT DIVERSION AND DIVERSION TO OFFSTREAM STORAGE					
(1) NORTH 2,500 FEET AND WEST 1,850 FEET FROM SOUTHEAST CORNER OF SECTION 27	NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	27	31N	1W	MD
(2) NORTH 2,000 FEET AND WEST 1,700 FEET FROM SOUTHEAST CORNER OF SECTION 27	NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	27	31N	1W	MD
OFFSTREAM STORAGE UNNAMED RESERVOIR	NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	27	31N	1W	MD

County of Shasta

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
FIRE PROTECTION						
FISH AND WILDLIFE ENHANCEMENT						
RECREATION	UNNAMED RESERVOIR WITHIN NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	27	31N	1W	MD	
IRRIGATION	NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	27	31N	1W	MD	2
					TOTAL	2

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.025 cubic feet per second by direct diversion to be diverted from April 1 to June 14 and from September 1 to October 31 of each year and 0.3 acre-feet per annum by storage to be collected from November 1 of each year to April 30 of the succeeding year. The total amount of water to be taken from the source shall not exceed 7.0 acre-feet per water year of October 1 to September 30. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to offstream storage shall not exceed 0.025 cubic feet per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 1995. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area

involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. During the season specified in this permit, the total quantity and rate of water diverted, stored, and used under this permit and under permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion, storage, and use, respectively, specified in this permit. If the permittee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion, storage, and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the existing right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of the claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the State Water Resources Control Board.

Permittee shall take and use water under the existing right claimed by permittee only in accordance with law. (0000021)

13. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue. (0000025)

14. The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)

15. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flows required by the conditions of this permit. Said measuring device shall be properly maintained. (0060062)

16. Permittee shall allow Richard King, Joy King, Betty Sutter and Stanley Sutter reasonable access to the measuring device for the purpose of verifying compliance with the conditions of the permit. (9990999)

17. In order to protect the vested water rights of Richard and Joy King under small domestic use registration certificate No. R28 (Application 29585R), and all successors in interest; and the senior right of Arnold B. and Eugenia I. Boshion under any permit issued pursuant to Application 29611, and all successors in interest; and for the protection of fish and wildlife, permittee shall during the period: From September 1 through October 31 bypass a minimum of 70 gallons per minute, (gpm) and from April 1 through June 14 bypass a minimum of 70 gpm. The total streamflow shall be bypassed whenever it is less than designated amount. (0140400) (0160400)

18. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River Basin are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **AUGUST 15 1991**

STATE WATER RESOURCES CONTROL BOARD

[Signature]
61 Chief, Division of Water Rights

10/13/98 Asgd. to Allen Leventoff & Nancy Leventoff

10/17/01 Asgd to DONALD G & A JANE PARSONS